

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-4499

Caption [use short title]

Motion for: Joint Motion to Adjourn Oral Argument Smulley v. Mutual of Omaha, et al.

Set forth below precise, complete statement of relief sought:

The Defendants-Appellees respectfully request this honorable court  
to reschedule oral argument currently set down for December 17,  
2015 such that the parties may finalize the contemplated settlement.

MOVING PARTY: IMAGINEERS LLC and ORONOQUE SHORES CONDOMINIUM ASSOCIATION NO. 1, INC.

☐ Plaintiff

☒ Defendant

☐ Appellant/Petitioner

☒ Appellee/Respondent

OPPOSING PARTY: Dorothy A. Smulley, Pro Se

MOVING ATTORNEY: Troy A. Bataille, Esq.

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Dorothy A. Smulley, Pro Se

Troy A. Bataille, Goldberg Segalla, LLP, 100 Pearl Street, Hartford,  
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Dorothy A. Smulley, 408 Bar Harbour Rd., Stratford, CT 06614  
[frrancesca04@gmail.com](mailto:frrancesca04@gmail.com)

Court-Judge/Agency appealed from: Judge Jeffrey A. Meyer at U.S. District Court for the/ District of Connecticut

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☐ Yes ☒ No (explain): This is a Joint Motion for all Defendants-  
Appellees; Pro-Se Plaintiff-Appellant did not respond to request for consent.

Opposing counsel's position on motion:

☐ Unopposed ☐ Opposed ☒ Don't Know

Does opposing counsel intend to file a response:

☐ Yes ☐ No ☒ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes ☒ No

Has this relief been previously sought in this Court?

☐ Yes ☒ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☒ Yes ☐ No If yes, enter date: December 17, 2015

Signature of Moving Attorney:

/s/Troy A. Bataille

Date: 12/08/2015

Service by: ☒ CM/ECF

☐ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

|                                     |   |                  |
|-------------------------------------|---|------------------|
| DOROTHY A. SMULLEY,                 | : |                  |
|                                     | : |                  |
| Plaintiff-Appellant                 | : |                  |
|                                     | : | USCA DOCKET      |
| v.                                  | : |                  |
|                                     | : | 14-4499cv        |
| MUTUAL OF OMAHA BANK, ERIN BOWEN    | : |                  |
| aka ERIN KREMSER, ERIN ALICTA,      | : |                  |
| WEBSTER FINANCIAL CORP. dba WEBSTER | : |                  |
| BANK, ZELDES, NEEDLE & COOPER PC,   | : |                  |
| IMAGINEERS LLC, and ORONOQUE SHORES | : | DECEMBER 7, 2015 |
| CONDOMINIUM ASSOCIATION NO. 1 INC., | : |                  |
|                                     | : |                  |
| Defendants--Appellees               | : |                  |

**JOINT MOTION TO**  
**ADJOURN ORAL ARGUMENT**

The Defendants-Appellees in the above captioned matter hereby jointly move this honorable court to adjourn oral argument currently scheduled for December 17, 2015. Six of the seven Defendants-Appellees are actively negotiating a settlement with the *pro se* Plaintiff-Appellant, which settlement would obviate the need for oral argument.

Specifically, in addition to the above captioned appeal, there are four lawsuits currently pending in the Connecticut Superior Court arising from the same underlying facts and involving substantially the same parties. The *pro se* Plaintiff-Appellant and the Defendants-Appellees are working to settle all pending litigation, both state and federal, and have already exchanged draft settlement documents. The contemplated agreement, however, requires multiple related acts by third-parties including a land survey. Even if the related acts are scheduled as quickly as possible, the execution of the final settlement agreement will extend beyond December 17, 2015.

Accordingly, the undersigned on behalf of all the Defendants-Appellees respectfully requests this honorable court to reschedule oral argument such that the parties may finalize the contemplated settlement.

DEFENDANTS-APPELLEES,  
IMAGINEERS LLC and ORONOQUE  
SHORES CONDOMINIUM ASSOCIATION  
NO. 1, INC.

By: 

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### CERTIFICATION


I hereby certify that on December 7<sup>th</sup>, 2015, a copy of the foregoing Motion to Adjourn was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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